

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:09CR101
vs.) ORDER
KEVIN SPECHT,)
Defendant.)

This matter is before the court on the oral motion of defendant Kevin Specht (Specht) for a continuance of the trial now scheduled for June 22, 2009. The motion was made during a May 29, 2009 hearing on Specht's motion for release to a drug treatment facility. The government had no objection to the motion. Specht acknowledged the additional time needed for their motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. The motion for a continuance of trial is granted.
2. Trial of this matter shall commence before Chief Judge Joseph F. Bataillon and a jury **at 8:30 a.m. on August 10, 2009**, in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from May 29, 2009 and August 10, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 29th day of May, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge